

Remarks

Claims 1-25 were initially pending in the subject application. In response to a restriction requirement, claims 1-10 were elected for examination on September 9, 2002. By way of the amendment of this date, claims 26-49 have been added and claims 2, 3, and 11-25 cancelled, without prejudice. Therefore, claims 1, 4-10, and 26-49 are now before the Examiner for consideration. Certain of the claims have been amended for the purpose of expediting the patent application process in a manner consistent with the Patent and Trademark Office Patent Business Goals (PBG), 65 Fed. Reg. 54603 (September 8, 2000) and facilitate the business interests of Applicants. Support for these new claims and the amendments to the pending claims can be found throughout the subject specification, including, for example, the originally filed claims. Favorable consideration of the claims now presented, in view of the remarks and amendments set forth herein, is earnestly solicited.

The Office Action of September 9 indicates that a timely submission of an Information Disclosure Statement (IDS) be filed as expediently as possible. An IDS was filed by the undersigned on April 19, 2002. A copy of this document (including the confirmation of receipt by the Patent Office) is submitted herewith for the consideration of the Examiner as it appears that the original submission has been lost. Also accompanying this response is a supplemental IDS transmitting the results of an International Search Report for an application related to this matter. The undersigned respectfully requests that the forms accompanying this response be initialed and returned with the next communication from the Patent Office.

Claims 1-2 and 4-10 have been rejected under 35 U.S.C. § 101 as claiming the same invention as that of U.S. Patent No. 6,384,087. Applicant respectfully requests withdrawal of this rejection in view of the amendments made to the claims.

The Office Action has also objected to the specification for failing to indicate the status of the patent application. This issue is moot in view of the amendments made by way of this response.

Also accompanying this response are copies of declarations (filed under 37 C.F.R. § 1.131 filed in the parent application) and a petition to change the name of inventor Paula C. Zemel to Paula Carney. Entry of these papers into the record is respectfully requested.

In view of the foregoing remarks and the amendments to the claims, Applicants believe that the pending claims are now in condition for allowance, and such action is respectfully requested. The

Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 or 1.17 as required by this paper to Deposit Account 19-0065.

Applicants also invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



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Attachments: Marked-Up Version of Amended Specification Paragraph
Marked-Up Version of Amended Claim
Copy of April 19, 2002 Information Disclosure Statement with attachments
Copies of Declarations Under 37 C.F.R. § 1.131 from parent application
Petition (to change name) Under 37 C.F.R. § 1.182 with attachment(s)
Supplemental Information Disclosure Statement with attachments

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MARKED-UP VERSION OF AMENDED SPECIFICATION PARAGRAPH

The application is a divisional application of United States Patent Application Serial Number 09/654,357, filed September 1, 2000, now U.S. Patent No. 6,384,087 B1 allowed, which is, hereby, incorporated by reference in its entirety, including all figures and tables.

MARKED-UP VERSION OF AMENDED CLAIMClaim 1. (Once Amended):

A method of treating, reducing, or attenuating obesity in an individual comprising the administration of therapeutically effective amounts of calcium to an individual and inducing a metabolic change in said individual, wherein said metabolic change is weight loss.

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